

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Michael A. Moore, #11882-171,	)	
	)	C/A No. 2:07-0180-MBS
Plaintiff,	)	
	)	
vs.	)	
	)	<b>OPINION AND ORDER</b>
NFN Smith, Captain at Charleston County	)	
Detention Center; and Medical Staff at	)	
Charleston County Detention Center, sued	)	
in their official and individual capacities,	)	
	)	
Defendants.	)	
	)	

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Plaintiff Michael A. Moore is an inmate in custody of the Federal Bureau of Prisons. At the time of the underlying events, Plaintiff was a pretrial detainee housed at the Charleston County Detention Center in Charleston, South Carolina. On January 19, 2007, Plaintiff, proceeding pro se, filed a complaint alleging that he had been denied proper medical care in violation of his constitutional rights. Plaintiff brings this action pursuant to 42 U.S.C. § 1983.

This matter is before the court on motion for summary judgment filed by Defendant Smith, which motion was filed November 13, 2007. This matter also is before the court on motion for summary judgment filed by Defendant Medical Staff at Charleston County Detention Center, which motion was filed November 13, 2007. On November 14, 2007, an order was issued pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the summary judgment procedure and the possible consequences if he failed to respond adequately. Plaintiff filed a response in opposition to Defendants' motions on December 18, 2007.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Robert S. Carr for pretrial handling. On February 29,

2008, the Magistrate Judge issued a Report and Recommendation in which he recommended that the motions for summary judgment be granted. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. Defendants' motions for summary judgment (Entries 49, 50) are granted.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
United States District Judge

Columbia, South Carolina  
March 26, 2007.

**NOTICE OF RIGHT TO APPEAL**

**Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.**